

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRETT CHRISTIAN, FIREARMS POLICY COALITION,
INC., and SECOND AMENDMENT FOUNDATION

Plaintiffs,

v.

STEVEN G. JAMES, in his official capacity as Superintendent
of the New York State Police, and JOHN J. FLYNN, in his
official capacity as District Attorney for the County of Erie,

Defendants.

No. 22-cv-00695 (JLS)

DECLARATION OF RYAN L. BELKA

RYAN L. BELKA, declares under penalty of perjury that the following is true and
correct:

1. I am an Assistant Attorney General, of counsel to Letitia James, New York State
Attorney General, counsel for defendant Steven G. James (Defendant).

2. I make this declaration in support of Defendant's motion for page enlargement for
State's Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment [ECF
No. 73] and in Support of Its Cross-Motion for Summary Judgment in compliance with Local
Rule 7(a)(2)(C).

Page Limit

3. Plaintiff's Motion for Summary Judgment is a 421 page filing that includes a
Notice of Motion [ECF No. 73] (2 pages), a Memorandum of Law in Support of Their Motion
for a Preliminary Injunction [ECF No. 73-1] (33 pages), an Appendix of Historical Laws [ECF
No. 73-2] (235 pages), a Rule 56 Statement of Undisputed Facts [ECF No. 73-3] (5 pages), and

an Appendix to the Rule 56 Statement of Undisputed Facts [ECF No. 73-4] (146 pages)

4. Plaintiff's motion for a summary judgment involves a number of novel legal theories in a rapidly evolving legal landscape post-*Bruen*.

5. Defendant has attempted to craft a complete, yet concise, Memorandum of Law in Opposition to Plaintiffs' Motion for a Summary Judgment and support the State's Cross-Motion for Summary Judgment.

6. However, it has become apparent that Defendant's papers will need more than twenty-five pages to provide the court with their complete argument.

7. Importantly, the second part of the *Bruen* test requires Defendants to scour the historical record and provide historical analogies to the challenged provisions of the Concealed Carry Improvement Act (CCIA).

8. Here, Plaintiffs' challenge two separate sections of the CCIA (e.g. private property and) and two separate rebuttals are required.¹

9. This historical research takes time to conduct and many pages to present as argument.

10. As a result, Defendant James requests the page limit for his Memorandum of Law in Opposition and Support be enlarged from twenty-five (25) pages to forty (35) pages. *See*, Local Rule 7 (a)(2)(C).

11. Such an enlargement will allow Defendants to fully address the legal and factual arguments made in Plaintiff's Motion for Summary Judgment and advance his own Motion for Summary Judgment.

¹ The challenge to transportation is stayed by this court. *See* [ECF No. 72]

12. Defendant sought and received Plaintiffs' consent to the proposed page enlargement and Plaintiffs have no opposition to the proposed page enlargement.

13. As such, Defendants respectfully request that the page limit be increased from twenty-five (25) pages to forty (35) pages, with some flexibility as the finishing touches are put on the dual-purpose brief.

14. In light of the above, the Defendant James respectfully requests that the Court enlarge the page limit for Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment and in Support of Defendant's Motion for Summary Judgment.

Dated: Buffalo, New York
May 29, 2024

/s/ Ryan L. Belka
RYAN L. BELKA

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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2024, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system.

Dated: Buffalo, New York
May 29, 2024

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendant James
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s/ Ryan L. Belka
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